

UNITED STATES DISTRICT COURT

for the

Southern District of New York

SPHERE 3D CORP.

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Plaintiff(s)

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v.

Civil Action No. 1:23-cv-02954

GRYPHON DIGITAL MINING INC.

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Defendant(s)

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SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Gryphon Digital Mining, Inc.
5953 Mabel Road, Unit 138
Las Vegas, NV 89110

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Sphere 3D Corp.
c/o Dontzin Nagy & Fleissig
980 Madison Avenue
New York, NY 10075

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 4/11/2023

The seal of the United States District Court for the Southern District of New York, featuring a circular design with the text "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF NEW YORK".*/s/ J. Gonzalez**Signature of Clerk or Deputy Clerk*

Civil Action No. 1:23-cv-02954

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

*Server's signature**Printed name and title**Server's address*

Additional information regarding attempted service, etc: